

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: INSULIN PRICING LITIGATION

**THIS DOCUMENT RELATES TO: ALL
CASES**

**Case No. 2:23-md-03080 (BRM)(RLS)
MDL No. 3080**

**JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH**

CASE MANAGEMENT ORDER #

This matter having come before the Court; and the parties believing that it would be more efficient and beneficial to the parties and the Court to establish a Direct Purchaser Class Track (“DPP Class Track”); the Court hereby finds and orders as follows:

1. On November 27, 2023, Plaintiffs submitted consensus recommendations to the Court for the appointment of Lead Counsel, Executive and Steering Committees, and Liaison Counsel for the proposed litigation tracks in this MDL, which were adopted in Case Management Order #3 (ECF No. 34) (CMO #3). Plaintiffs have subsequently submitted unopposed recommendations for the creation of a DPP Class Track, which will take the place of the Third-Party Payer Class Track and include those cases consolidated with the Direct Purchaser Consumer Action (as defined in CMO #1), *In re Direct Purchaser Insulin Pricing Litigation*, No. 20-cv-03426, and any other subsequently filed class actions asserting direct purchaser claims under federal law.

2. The Court, having reviewed these submissions, and with no objections thereto having been filed, finds that the unopposed recommendations for the DPP Class Track present a balanced team with a diversity of backgrounds, skills, expertise, and prior casework and roles, all of which will provide the Court with an effective organizational structure to advance this MDL in

an efficient and just manner and will advance the Court's and the Judicial Panel on Multidistrict Litigation's goal of introducing new and different counsel to this specialty area of practice.

3. The duties of Co-Lead Counsel, Executive Committees, and Steering Committees are set forth in CMO #3. The Duties of the DPP Class Track are identical in scope and substance to those of the counsel originally appointed for the TPP Class Track in CMO #3.

4. The appointments in this Order are personal. Accordingly, these appointees cannot be substituted by other attorneys, including members of such appointee's law firm, except with Court approval.

5. The Court establishes the following DPP Class Track:

- a. The DPP Class Track shall include putative class actions brought on behalf of plaintiffs asserting direct purchaser class claims under federal law, including but not limited to those actions identified on Exhibit A.
- b. Pursuant to Federal Rule of Civil Procedure 23(g), the Court appoints Michael Roberts of Roberts Law Firm US, PC; Melissa L. Yeates of Kessler Topaz Meltzer & Check, LLP; and James Cecchi of Carella, Byrne, Cecchi, Brody & Agnello, P.C., as Interim Class Counsel/Co-Lead Counsel for the DPP Class Track.
- c. The Court appoints Dianne Nast of NastLaw, LLC; Don Barrett of Barrett Law Group, PA; James R. Dugan, II of Dugan Law Firm; and Joseph M. Vanek of Sperling & Slater LLC, to the Steering Committee for the DPP Class Track.
- d. The Court appoints Matthew F. Gately of Cohn Lifland Pearlman Herrmann & Knopf LLP as Liaison Counsel for the DPP Class Track.¹

¹ Liaison Counsel for the DPP Class Track shall also serve as liaison counsel for the New Jersey Actions, by consent of the parties to those actions.

6. All other counsel appointed initially to the TPP Class Track's leadership or steering committee that are not named above are formally relieved of their responsibilities in this MDL.

7. The DPP Class Track does not include actions within the Self-Funded Payer Track or the individual consumer action in *In re Insulin Pricing Litigation*, Case No. 17-cv-0699.

8. This Order does not alter the States' or Self-Funded Payor Track's appointments, duties, responsibilities, or any other Tracks' scope.

IT IS SO ORDERED.

HON. BRIAN R. MARTINOTTI
United States District Judge

Dated: June __, 2024

Exhibit A

Case Name	Case No.
In re Direct Purchaser Insulin Pricing Litigation	2:20-cv-03426
Local 837 Health and Welfare Plan individually and on behalf of all other similarly situated v. Eli Lilly and Company, et al.	2:23-cv-20932
Local No. 1 Health Fund and Plan of Benefits for the Local No. 1 Health Fund individually and on behalf of all other similarly situated v. Eli Lilly and Company, et al.	2:23-cv-21160